UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MARYLAND (GREENBELT DIVISION)

* In re: JIN SUK KIM * 34 PINEY MEETING HOUSE CT. CASE No:10-18008-PM Potomac, MD 20854 Chapter 11 * Debtor(s), FEDERAL NATIONAL MORTGAGE ASSOCIATION Movant, v. JIN SUK KIM 34 PINEY MEETING HOUSE CT. Potomac, MD 20854 Debtor(s),

MOTION FOR RELIEF FROM STAY

NOTICE TO DEBTOR(s): Failure to file a written response to this motion with the Clerk of the United States Bankruptcy Court and to send Plaintiff a copy within 17 days from the date of the certificate of service may result in entry of a default judgment.

Federal National Mortgage Association (hereinafter "the Bank") by it attorneys, Gerard William Wittstadt, Jr., Deborah H. Hill, Jordan B. Segal and Morris|Hardwick|Schneider, LLC, respectfully moves this Honorable Court to terminate the Automatic Stay, and, as grounds therefore, states as follows:

1. This proceeding seeking relief under Section 362 (a) as to Debtor and Section 1301(d), as to Co-Debtor, of the U.S. Bankruptcy Code, is a contested matter within the

- 2. That on April 12, 2010 the above-named Jin Suk Kim, (hereinafter "Debtor") initiated proceedings in the Court seeking relief under Chapter 7 of the United States Bankruptcy Code. The Debtor converted to a case under Chapter 11 of the United States Bankruptcy Code on April 26, 2010.
- 3. The U.S. Trustee is W. Clarkson McDow, Jr.
- 4. On July 12, 2006, Jin Suk Kim, Debtor executed a Adjustable Rate Note in the amount of One Million, Five Hundred Fifteen Thousand, Six Hundred Seventy Nine and 00/100 Dollars (\$1,515679.00) plus interest at the rate of 6.90% per annum, attorneys' fees, costs and late charges to be paid over thirty (30) years. A true and correct copy of the Note is available for inspection and copying and will be presented as evidence at any hearing as required.
- 5. To secure the repayment of the sums due under the Note, the Debtor executed a Deed of Trust dated July 12, 2006 encumbering the real property ("Property") more particularly described in a Deed of Trust which has the address of Virginia Lane Apartments, 2801-2811 Virginia Avenue and 4700-4702 Greenspring Avenue, Baltimore, MD 21215. A true and correct copy of the recorded Deed of Trust is available for inspection and copying and will be presented as evidence at any hearing as required.
- Federal National Mortgage Association is the present holder of the Deed of Trust and Note.

Case 10-18008 Doc 50 Filed 07/02/10 Page 3 of 4

7. The Debtor has failed to make post-petition payments due under the Note and is due

for May 1, 2009, in the amount of \$8,451.23 each plus late fees and is in default for

payments of installments due under the Deed of Trust due to Federal National

Mortgage Association

8. Debtor is in default under the Note, and there is a total debt of \$1,662,362.64

9. Debtor has not and cannot offer Federal National Mortgage Association adequate

protection of its interest in the Property, and Federal National Mortgage Association

avers that it is not adequately protected as evidenced by the report from the State

Department of Assessment and Taxation attached hereto as an exhibit.

10. The Property is not necessary for an effective reorganization, since the Debtor has

no equity in the Property and, upon information and belief, the property is not

generating income.

11. Cause exists to terminate the Automatic Stay.

WHEREFORE, the premises considered, Federal National Mortgage Association

respectfully requests that this Court enter an Order terminating the Automatic Stay allowing

Federal National Mortgage Association to exercise its legal rights under applicable law as to the

Property, including but limited to foreclosure against the property under the Deed of Trust, and

for such other and further relief as this Court deems just and proper.

Respectfully submitted,

Dated: July 2, 2010

/s/ Jordan Segal

Gerard Wm. Wittstadt, Jr. (Bar No. 23901)

Deborah H. Hill (Bar No. 28384)

Jordan B. Segal (Bar No. 29116)

Morris|Hardwick|Schneider, LLC

9409 Philadelphia Road

Baltimore, MD 21237

Ph: 410-284-9600 Fax: 410-282-1677 jsegal@closingsource.net Attorney for Movant

Certification of Service

I HEREBY CERTIFY that copies of the foregoing Motion for Relief were mailed by first class mail, postage pre-paid (or electronically pursuant to Admin. Order 05-01), this 2nd day of July, 2010, to the following parties:

Jin Suk Kim 34 PINEY MEETING HOUSE CT. Potomac, MD 20854 Debtor(s)

John Shin 7702 Leesbrg Pike Suite T400 Falls Church, VA 22043 Attorney for Debtor

W. Clarkson McDow, Jr. 6305 Ivy Lane, Suite 600 Greenbelt, MD 20770 U.S. Trustee

20 Largest Creditors list on Creditor Matrix

| /s/ Jordan Segal | |
|------------------|--|
| Jordan Segal | |